



*DACT*

Docket 15178(2)

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
In re Application of:

James Elliot

Serial No. 10/747,986

Filed: December 30, 2003

For: TOY VEHICLE PACKAGE HAVING )  
DEMONSTRATION FEATURE )

Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Dear Sir:

Applicant hereby petitions for revival of the above-identified application in accordance with 37 CFR 1.137(b).


Applicant's delay in response to the Notice to File Missing Parts dated April 27, 2004 was unintentional having been caused by a docketing error in the undersigned attorney's office.

Enclosed herewith is a Declaration/Power of Attorney and Replacement Drawings.

Please charge Deposit Account No. 13-2185 in the amount of \$1,500.00.

The Commissioner is hereby authorized to charge any additional fees under 37CFR 1.16 and 1.17 which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 13-2185. An additional copy of this letter is enclosed for that purpose.

Respectfully Submitted,

  
Roy A. Ekstrand  
Registration No. 27,485  
Attorney for the Applicant

333 Continental Boulevard  
Mattel, Inc., M1 1220  
El Segundo, CA 90245-5012  
(310) 252-3623

Date: Feb. 24, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petitions: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Feb. 24, 2005

By: ROY A. EKSTRAND  
Signature:   
Date: FEB 24, 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/747,986         | 12/30/2003             | James Elliott         | 15178(2)               |

Roy A. Ekstrand  
Mattel, Inc  
333 Continental Blvd.  
El Segundo, CA 90245

CONFIRMATION NO. 6598

## FORMALITIES LETTER



\*OC000000012463650\*

Date Mailed: 04/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) all.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents

03/01/2005 YPOLITE1 00000017 132185 10747986  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

BINH

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Docket 15178(2)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James Elliot

Serial No. 10/747,986

Filed: December 30, 2003

For: TOY VEHICLE PACKAGE HAVING  
DEMONSTRATION FEATURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:


RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application dated April 27, 2004, enclosed herewith is a Declaration and Replacement Drawings for the subject application.

The Commissioner is hereby authorized to charge Deposit Account 13-2185 in the amount of \$130.00 as payment of surcharge for the subject application.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account 13-2185. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,


  
Roy A. Ekstrand  
Registration No. 27,485  
Attorney for the Applicant

333 Continental Boulevard  
Mattel, Inc., M1 1220  
El Segundo, CA 90245-5012  
(310) 252-3623

Date: Feb. 24, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:  
Mail Stop Missing Parts, Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450  
on Feb 24, 2005

By: ROY A. EKSTRAND  
Signature:   
Date: Feb. 24, 2005



Docket 15178(2)

**DECLARATION AND POWER OF ATTORNEY  
FOR U. S. AND INTERNATIONAL  
APPLICATIONS**

As a below named inventor(s), I/We hereby declare that:

My/our residence(s), post office address(es) and citizenship is/are stated below next to my/our name(s).

I/We believe that I/We am/are the original, first and sole inventor(s) or an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled TOY VEHICLE PACKAGE HAVING DEMONSTRATION FEATURE, the specification of which

(check one) \_\_\_\_\_ is attached hereto.

X was filed on December 30, 2003  
as Application Serial No. 10/747,986  
and was amended on N/A  
(if applicable)

I/We hereby state that I/We have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I/We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I/We hereby claim foreign priority benefits under Title 35, United States Code, Section 119, of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

|        |         |                      | Priority<br>Claimed  |
|--------|---------|----------------------|--|
| Number | Country | Day/Month/Year Filed | <input type="checkbox"/> <input checked="" type="checkbox"/> |
|        |         |                      | Yes No   |

POWER OF ATTORNEY: As a named inventor(s), I/we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith and to file and prosecute corresponding foreign patent applications in connection therewith.

ROY A. EKSTRAND  
REG. NO. 27,485

DANIEL F. SULLIVAN  
REG. NO. 31,572

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

ROY A. EKSTRAND  
333 Continental Blvd.  
El Segundo, California 90245-5012

Roy A. Ekstrand  
(714) 662-7733

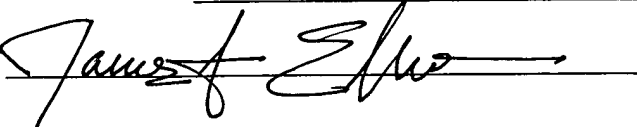
I/we hereby claim the benefit under Title 35, United States Code, Section 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I/We acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

\_\_\_\_\_  
(Application Serial No.)      (Filing Date)      (Status-patented, pending, abandoned)

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor James Elliott

Inventor's signature



MAY 20, 2004  
Date

Residence 3662 Altura Ave., La Crescenta, CA 91214

Citizenship United States of America

Post Office Address same

Full name of second inventor Jesse Flores

Inventor's signature



MAY 20, 2004  
Date

Residence 23862 Bouquet Canyon Place, Moreno Valley, CA 92557

Citizenship United States of America

Post Office Address City of Moreno Valley, State of California

Full name of third inventor William O'Keefe

Inventor's signature

William R. O'Keefe

5-20-04

Date

Residence 2906 Blossom Lane, Redondo Beach, CA 90278

Citizenship United States of America

Post Office Address 2906 Blossom Lane, Redondo Beach, California 90278